

REMARKS

Claims 8-12 are pending. Claims 1-7 have been canceled.

Claims 8-12 have been added to claim a "process for converting a bridged metallocene of formula (IIa) into a bridged metallocene of formula (II)." Support for claims 8-11 is found on pages 8, line 15, through page 11, while claim 12 finds additional support on page 22, lines 31-35.

All of the examiner's rejections under 35 USC §§ 101 and 112 have been overcome by new claims 8-12.

Claim 12, which contains the same solvents as in former claim 3, is an independent claim and thus not subject to the rejection in item 5 of the office action. However, applicants believe that present claim 8 is generic to a mixture of aprotic hydrocarbons with other nonhydrocarbon solvents since claim 8 does not exclude the additional solvents.

It is also believed that the new format of claims 8-12 overcomes the examiner's rejection in item 3 of the office action.

Claims 1-4 stand rejected as anticipated by Repo et al. (*J. Org. Chem.*, vol. 541, pp. 363-366 (1997)).

According to the examiner the article discloses the reaction of the lithium salt of 2,6-di-tert-butyl phenol or 2,6-di-isopropyl phenol with Cp_2ZrCl_2 in THF to form the corresponding mono- and diphenoxy derivative. Claims 8-12 are now directed to a process to convert compound of formula (IIa) to compound of formula (II). Compounds

BINGEL et al., Serial No. 09/856,695

of formula (II) and (IIa) are bridged bis indenyl metallocene derivatives. Thus, they are completely different from the unbridged bis cyclopentadienyl metallocene disclosed by Repo et al. Accordingly, claims 8-12 are not anticipated by Repo et al.

Favorable action by the examiner is respectfully solicited.

A check in the amount of \$410.00 is attached to cover the required two month extension fee.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Edward J. Smith
Reg. No. 24,070

1350 Connecticut Ave., N.W.
Washington, D.C. 20036
(202)659-0100

EJS/kas